

### **REMARKS**

Applicants appreciate the Examiner's thorough consideration provided in the present application. Claims 1-11 are currently pending in the instant application. Claims 1-3 have been amended and claim 11 has been added. Claims 1-3 are independent. Reconsideration of the present application is earnestly solicited.

Applicants submit that the subject matter of claim 11 is fully supported by the original written description, including, but not limited to, FIG. 1, element 42 in the drawings, and paragraphs 0023-0031 of the specification.

#### **Reasons for Entry of Amendments**

As discussed in greater detail hereinafter, Applicants respectfully submit that the rejections under 35 U.S.C. §§ 102(e) and 103(a) are improper and should be withdrawn. Accordingly, the finality of the Final Office Action mailed on July 9, 2004 should be withdrawn.

If the Examiner persists in maintaining his rejections, Applicants submit that this Amendment was not presented at an earlier date in view of the fact that Applicants are responding to a new ground of rejection set forth in the Final Office Action. In accordance with the requirements of 37 CFR 1.116, Applicants respectfully request entry and consideration of the foregoing

amendments as they remove issues for appeal and place the present application in a condition for allowance.

### **Drawings**

Applicants appreciate the Examiner's assistance with respect to the drawings. In light of the foregoing amendments to the drawings, Applicants submit that these objections have been obviated and/or rendered moot. Specifically, Applicants have amended FIG. 2 as suggested by the Examiner in the Office Action. Specifically, Step S100 has been amended to recite the "Audio Regeneration Button Depressed" as requested by the Examiner. However, Applicants submit that it is not necessary to include the step of depressing the audio regeneration button as a separate step as suggested by the Examiner. Therefore, S100 has been amended to include the language requested by the Examiner. Accordingly, this objection should be withdrawn.

With respect to FIG. 5, Applicants respectfully traverse this objection to the drawings. Specifically, the Examiner has not objected to paragraphs 0069 to 0077 of the specification that clearly describes S180 of FIG. 5. Further, the Examiner has clarified his understanding of the drawing in the comments occurring on page 3 of the Final Office Action. Therefore, Applicants submit that S180 of FIG. 5 is adequately labeled and described in the specification,

and the language used in FIG. 5, S180 is clearly not in contradiction to the supporting description occurring in the specification.

The Examiner is reminded that FIG. 5 is a flow chart that contains abbreviated descriptions of the particular steps. The Examiner appears to be implying that FIG. 5 must be capable of being independently interpreted without any reference to the specification. However, MPEP § 608.02 does not require that full descriptions of flow chart steps completely match the corresponding wording found in the specification. Accordingly, the language of S180 as currently labeled in FIG. 5 is fully compliant with the requirements of MPEP § 608.02. Therefore, these objections have been obviated and/or rendered moot.

Applicants respectfully request that the Examiner identify a section of the MPEP or Patent Rules that necessitates Applicants amending FIG. 5, step S180 to explicitly restate the corresponding language that already occurs in the specification if this objection is maintained in any form.

### **Specification**

Applicants have voluntarily amended the specification to provide explicit antecedent support for the subject matter of original claim 7 of the present application. Applicants submit that the changes to paragraph 0031 of the

present application are fully supported by the original written description, including, but not limited to paragraph 0031 and original claim 7.

**Claim Rejections Under 35 U.S.C. § 112**

Claims 7-10 have been rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement. This rejection is respectfully traversed.

Applicants have amended the specification to explicitly support the language of original claim 7 and newly added claim 11. In addition, Applicants have added additional claim 11 that describes the embodiment believed to be cited by the Examiner in the Examiner's comments with respect to this rejection. In light of the foregoing amendments to the specification, Applicants respectfully submit that this rejection has been obviated and/or rendered moot. However, Applicants respectfully submit that the foregoing amendments have been made to merely clarify the claimed invention.

Without conceding the propriety of the Examiner's rejections, but merely to timely advance the prosecution of the application, Applicants have incorporated the changes recommended by the Examiner. However, Applicants submit that the requested changes do not appear to either raise a substantial

question of the patentability of the claimed invention nor do they narrow the scope of the claimed invention.

**Claim Rejections Under 35 U.S.C. § 102**

Claim 3 has been rejected under 35 U.S.C. § 102(e) as being anticipated by Kobayashi et al. (U.S. Patent Publication No. 2002/0054218). This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicants respectfully submit that all of the rejections have been obviated and/or rendered moot. Without conceding the propriety of the Examiner's rejection, but merely to expedite the prosecution of the present application, Applicants have amended claim 3 to clarify the invention for the benefit of the Examiner. Specifically, Applicants submit that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention. Accordingly, this rejection should be withdrawn.

With respect to claim 3, the prior art of record fails to teach or suggest the unique combination of limitations of the claimed invention, including the feature(s) of: *"regenerating an image in accordance with the image data recorded in the second recording medium, and regenerating the non-ambient sound at the image-capturing in accordance with the audio regeneration data which is*

*recorded together with the image data in the second recording medium and also in accordance with the non-ambient audio data which is recorded in the first recording medium."* (Emphasis Added) Accordingly, this rejection should be withdrawn.

In the claimed invention, the second recording medium (see recording medium 42) does not contain the audio data as such, but the audio regeneration data including where the audio data exist. Accordingly, claim 3 has been amended to clarify that the audio regeneration data which is stored in the second recording medium merely indicates where the non-ambient sound is stored within the first recording medium (audio regeneration device). Therefore, in the claimed invention, the non-ambient sound is stored in the first recording medium (audio regeneration device) and not in the second recording medium.

Non-ambient or external sounds stored or pre-recorded on a recording medium in the present application are regenerated with an image, e.g., such as those in the various tracks of a disc recording medium within the audio regeneration device 70 or from the recording medium (element 42 in the present application) may be regenerated in conjunction with an image. In addition, the claimed invention provides for the recordation of the location information, e.g., audio regeneration data that indicates where the non-

ambient sound is stored at the image capturing, for the non-ambient sound for each image. Accordingly, Kobayashi et al. clearly does not teach or suggest the limitations of claim 3.

**Claim Rejections Under 35 U.S.C. § 103**

Claims 1 and 2 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi et al. in view of Official Notice. Claims 3-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson (U.S. Patent No. 5,812,736) in view of Kobayashi et al. Claim 5 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi et al. in view of Mogamiya et al. (U.S. Patent No. 5,220,433), and further in view of Official Notice. Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kobayashi et al. in view of Mogamiya et al., and further in view of Ishibe et al. (U.S. Patent No. 5,657,074). These rejections are respectfully traversed.

In light of the foregoing amendments to the claims, Applicants submit that the prior art of record fails to teach or suggest each and every limitation of the claimed invention. Accordingly, these rejections should be withdrawn.

With respect to claim 1, the prior art of record fails to teach or suggest the unique combination of limitations of the claimed invention, including the

feature(s) of: "at least one of an audio regeneration device which regenerates non-ambient sound and a communication device which communicates with an external device which performs audio regeneration, *wherein when the subject image is captured, audio regeneration data which at least indicates where non-ambient sound during audio regeneration is stored within the audio regeneration device is recorded in the recording medium together with the captured image data.*" (emphasis added) Accordingly, this rejection should be withdrawn.

With respect to claim 2, the prior art of record fails to teach or suggest the unique combination of limitations of the claimed invention, including the feature(s) of: "*wherein the image data and audio regeneration data recorded in the recording medium are read out, and the image is displayed in accordance with the image data while regenerating non-ambient sound stored within the audio regeneration device or the external device at image-capturing in accordance with the audio regeneration data stored within the recording medium.*" (emphasis added) Accordingly, this rejection should be withdrawn.

As discussed hereinabove with respect to Kobayashi et al., this rejection has been obviated and/or rendered moot. As discussed in greater detail hereinabove, Kobayashi et al. does not teach or suggest the regeneration of non-ambient sound from a recording medium as in the claimed invention. Further, the claimed invention contains information relating to the location of



the non-ambient sound data that is associated with each image. Accordingly, this rejection should be withdrawn.

Specifically, claims 1 and 2 have been amended to clarify that the non-ambient audio data is stored in the audio regeneration device and the audio regeneration data identifying where in the audio regeneration device the non-ambient data is recorded is stored in the recording medium. Accordingly, Applicants submit that this rejection should be withdrawn.

With respect to the Anderson et al. reference, as admitted by the Examiner, this reference is clearly not directed at the regeneration of non-ambient sound and/or the storing of information relating the location of the non-ambient sound for each image.

With respect to claim 3, the prior art of record fails to teach or suggest the unique combination of limitations of the claimed invention, including the feature(s) of: *"where the non-ambient sound is stored within the first recording medium at the image capturing, and regenerating an image in accordance with the image data recorded in the second recording medium, and regenerating the non-ambient sound at the image-capturing in accordance with the audio regeneration data which is recorded together with the image data in the second recording medium and also in accordance with the non-ambient audio data*

*which is recorded in the first recording medium."* (Emphasis Added)

Accordingly, this rejection should be withdrawn.

Applicants submit that the Kobayashi et al. does not teach or suggest the limitations relating to the regeneration of non-ambient sound and/or the storage of data indicative of where the non-ambient sound is stored for each image. The Examiner has pointed to element 132 (audio input) of Kobayashi et al. However, Applicants submit that, as identified by the Examiner, any alleged audio input from element 132 of Kobayashi et al. is first recorded to a memory card (element 102 in Kobayashi). However, no external audio regeneration device is relied upon for the regeneration of non-ambient sound. Accordingly, Kobayashi et al. clearly does not teach or suggest "regenerating the non-ambient sound at the image-capturing in accordance with the audio regeneration data which is recorded together with the image data and also in accordance with the audio data which is recorded in the first recording medium."

In accordance with the above discussion of the patents relied upon by the Examiner, Applicants respectfully submit that these documents, either in combination together or standing alone, fail to teach or suggest the invention as is set forth by the claims of the instant application.

Accordingly, reconsideration and withdrawal of the claim rejection are respectfully requested. Moreover, Applicants respectfully submit that the instant application is in condition for allowance.

As to the dependent claims, Applicants respectfully submit that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations provided by these claims.

### **CONCLUSION**

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully requests that the Examiner reconsider all presently pending rejections and that they be withdrawn.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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